

AUG 09 2004

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PTO/SB/84 (11-03)

Approved for use through 07/31/2008. OMB 0661-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

33330/DOB/rf

First named inventor: **BERETTA Mario**Application No.: **09/523,708**Art Unit: **1711**Filed: **March 13, 2000**Examiner: **WACHTEL, Alexis A.**Title: **NET-LIKE STRUCTURE PARTICULARLY FOR ...**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of **REQUEST FOR CONTINUED EXAMINATION (RCE)** (Identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (11-03)

Approved for use 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 9, 2004

Date



Signature

Telephone

Number: 011 39 02 8590-7777

Guido MODIANO

Typed or printed name

Via Meravigli 16

Address

20123 MILAN, ITALY (EUROPE)

Address

Enclosures: ☒ Fee Payment☒ Reply (RCE)☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

August 9, 2004

Date



Signature

Guido MODIANO

Type or printed name of person signing certificate

9. AUG. 2004 12:58

NO. 0338 P. 3

Application Number 09/523,708
Art Unit: 1711
August 9, 2004

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

PAYMENT OF THE PETITION FEE

The undersigned Agent herewith authorizes the Commissioner of Patents and Trademarks **to charge the deposit account number 13-3860 of applicant's agent of record, in the amount of US\$ 650.00 to cover the cost of the Petition for Revival, hereby submitted.**

Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

Respectfully submitted,


Guido MODIANO (Reg. No. 19,928)
Agent for the Applicant

Date: August 9, 2004
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)8590-7777
Telefax: (from USA)(011)(39)(02)863-860

9. AUG. 2004 12:59

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NO. 0338 P. 4

AUG 09 2004

Agent's Docket N. 33330/DOB/rf

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (001)(703) 872-9306) on the date shown below.

Millan,
August 9, 2004


Guido MOBILANO (Reg. No. 19,928)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of:)	
Applicant: BERETTA, Mario)	
Ser. No.: 09/523,708)	Group Art Unit: 1711
Filed: March 13, 2000)	Examiner: WACHTEL, Alexis A
For: NET-LIKE STRUCTURE...)	

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450 USA

STATEMENT ESTABLISHING UNINTENTIONAL DELAY IN PETITION OF APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir,

Applicant's representative first became aware of the abandonment of the present application on July 30, 2004, after applicant's representative telephoned Art Unit 1771 to ask for the status of the present application, and was informed by the General Information/Receptionist that the application was abandoned by statute on June 11, 2003.

The delay in discovering the abandoned status of the application has occurred despite the exercise of due care and diligence on the part of applicant and his representative.

The last communication received by applicant from the Office was the Advisory Action dated November 6, 2002. Applicant responded to such Advisory Action dated November 6, 2002 with the facsimile response dated December 11, 2002, including a petition for extension of time of the

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final Office action dated August 13, 2002 for one month from November 13, 2002 to December 13, 2002. In applicant's response of December 11, 2002, each point raised by the Examiner in the Advisory Action dated November 6, 2002 was addressed, and applicant requested reconsideration, entry of the Amendment of October 14, 2002, and issuance of grant of the application. Apparently no further communication was issued by the Examiner, and applicant's representative's docket contains no further communication after the Advisory Action dated November 6, 2002, as mentioned above.

On January 24, 2003, applicant submitted a further request to consider the contents of applicant's request of December 11, 2002. On February 12, 2003 applicant filed a conditional petition for extension of time and notice of appeal to be considered in the event that the application had not been already allowed. On April 8, 2003 applicant further submitted a request for consideration of the papers of December 11, 2002 and February 12, 2003 and solicited a notice of allowance. On April 11, 2003 applicant further requested extension of time and solicited response from the Examiner. Applicant and his undersigned representative, to this date, have never received any communication from the Examiner in connection with applicant's reply to the Examiner's advisory action, and Applicant and his undersigned representative, to this date, have never been notified by the Office that the present application has been abandoned. Applicant was therefore confident that the application is in the processing stage of issuance of grant.

Applicant submits that applicant's repeated replies and requests for consideration and the lack of any communication from the Office as outlined above is a sufficient showing of due care and diligence and of how the delay in discovering the abandoned status of the application occurred in spite of such exercise of due care and diligence.

Respectfully submitted,


Guido MODIANO (Reg. No. 19,928)
Agent for the Applicant

Date: August 9, 2004
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)8590-7777